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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,787	04/14/2004	Bradford D. Henry	63288-656	4669
20277	7590	10/19/2007		
MCDERMOTT WILL & EMERY LLP			EXAMINER	
600 13TH STREET, N.W.			TAWFIK, SAMEH	
WASHINGTON, DC 20005-3096				
			ART UNIT	PAPER NUMBER
			3721	
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			10/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/823,787	Applicant(s) HENRY ET AL.	
	Examiner Sameh H. Tawfik	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2007.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-21 and 23-29 is/are pending in the application.
- 4a) Of the above claim(s) 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-21 and 23-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of: \*
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 recites the limitation "the moment of inertia" in line 4. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 9-11, 15-21, and 23 rejected under 35 U.S.C. 102(b) as being anticipated by Yates (U.S. Patent No. 5,715,648).

Yates discloses a high-speed envelope transport and packing system comprising: a conveyor for conveying an open envelope having a front wall, a back wall and a flap extending away from the front wall (Figs. 3 and 4; via rollers 28 and 30); packing station for inserting an object into the conveyed open envelope (Figs. 3 and 4); such that the conveyed open envelope and the object are in simultaneous, same direction motion along the conveyor during insertion of the object into the conveyed open envelope (note that both envelope and the inserter conveyed

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on the same conveying direction, Fig. 3 shows conveying envelope 24b while simultaneously inserters being fed/conveyed to envelope 24a) and a bending member disposed in the packing station (Figs. 2, 5, and 6; down fingers 60 and 62 and flapper paddles 68 and 70); wherein the bending member is configured to impart a bend in the conveyed open envelope by displacing a center portion of the conveyed open envelope (Figs. 5 and 6; via members 60 and 62 bend by displacing a center portion of the envelope relative to widthwise) and to maintain a bend in the conveyed open envelope until the open envelope is gripped by a gripping device (Figs. 3-6; via by engaging the feeding rollers 150 and 152 and by moving upward the stop 54 could be consider as gripping device; column 2, lines 65-67 and column 3, lines 1-4) in such a manner as to provide access to an interior of the open envelope or until an object is at least partially inserted into an interior of the open envelope (Figs. 3 and 4); wherein a joint between the flap and the open envelope is perpendicular to the conveyor, see for example (Figs. 5 and 6; via the joint between the flap and the back wall is perpendicular to conveying rollers 44, 46, 48, and 50), and the bending member is configured to bend the open envelope about an axis that is substantially perpendicular to a joint between the flap and the open envelope, see for example (Figs. 1, 2, 5, and 6).

Regarding claim 3: wherein the bending member comprises a rail disposed along a direction of conveyance of the open envelope (Figs. 1 and 2; via the rods/rails of 60 and 62) in a position substantially corresponding to a center line of the conveyed open envelope with respect to a widthwise direction of the conveyed open envelope (Figs. 1 and 2).

Regarding claims 9 and 10: wherein a height of the rail is less than about 5.0 mm and/or between about 1.25 mm and 1.75 mm., see for example (Figs. 1 and 2).

Regarding claim 11: wherein the bending member comprises paired rails disposed along a direction of conveyance of the open envelope (Figs. 1 and 2; via the paired rails of 60 and 62).

Regarding claim 15: wherein a height of the rails is less than about 5.0 mm and/or between about 1.25 and 1.75 mm. see for example (Figs. 1 and 2).

Regarding claim 17: wherein the bending member comprises a channel disposed along a direction of conveyance of the open envelope in a position substantially corresponding to a central region of the conveyed open envelope with respect to a widthwise direction of the conveyed open envelope (Figs. 1 and 2; via the space between the two rails/fingers 60 and 62 could be considered as channel).

Regarding claim 18: wherein a width of the channel is greater than about half of a width of the conveyed open envelope with respect to the widthwise direction of the conveyed envelope, see for example (Figs. 1 and 2; via the space between the two rails/fingers 60 and 62 could be considered as channel).

Regarding claim 19: wherein a width of the channel is greater than about three-quarters of a width of the conveyed open envelope with respect to the widthwise direction of the conveyed open envelope (Figs. 1 and 2; via the space between the two rails/fingers 60 and 62 could be considered as channel).

Regarding claim 20: wherein the bending member comprises paired channels disposed along a direction of conveyance of the open envelope in positions substantially equidistant to a center line of a conveyed open envelope with respect to a widthwise direction of the conveyed open envelope (Figs. 1 and 2; via the distance between 60 and the end edge of 68 could be seen

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as another channel and the same of the distance between 62 and end edge of 70), and wherein the paired channels are disposed to receive widthwise ends of the conveyed open envelope.

Regarding claim 21: a bending member configured to bend a conveyed envelope about the z-axis during conveyance of the conveyed envelope to increase the moment of inertia of the conveyed envelope about the z-axis above a corresponding moment of inertia of the conveyed envelope in a flat state (Figs. 1, 2, and 6; via moving the flapped envelope in the z-axis). Note that the limitations of “said moment of inertia defined as the conveyed envelope’s resistance to bending,” is not given much patentable weight as such limitations written on a functional language, while the claim is an apparatus claim and such language does not refer to the structure of the apparatus.

Regarding claim 23: wherein the bending member comprises at least one of a center rail, a plurality of rails (via rods of fingers 60 and 62), a curved plate (via 68 and 70), a center channel (via the distance between the fingers 60 and 62), and a plurality of channels disposed along at least one side of a conveyed envelope, and wherein the bending member is configured to displace a central portion of the conveyed envelope by less than about 5.0 mm relative to widthwise ends of the conveyed envelope, see for example (Figs. 1, 2, 5, and 6).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-8, 12-14, and 24-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Yates (U.S. Patent No. 5,715,648) in view of Haas et al. (U.S. Patent No. 4,798,040).

Yates does not disclose that a plurality of arranged vacuum ports on the rail. However, Haas discloses similar envelope packing system comprising the use of plurality of vacuum ports (Fig. 7; via 650A-650D).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Yates's bending member by using arranged vacuum means, as suggested by Haas, in order to control the conveying of the envelope.

Regarding claims 5 and 13: Yates discloses that wherein the rail (via rods extending out of 60 and 62) disposed along a direction of conveyance of the open envelope is disposed proximal to a side of the conveyed open envelope having the flap, see for example (Figs. 1 and 2).

Regarding claims 6, 8, and 14: Yates discloses that wherein a front edge of the rail, relative to the direction of conveyance of the open envelope, is chamfered or curved (Figs. 1, 2, and 6; via the bending members 60 and 62 positioned by the front edge of the rail).

Regarding claims 24-28: Yates does not disclose that a vacuum plate provided in the packing station; wherein the vacuum plate is configured to bias an envelope and an envelope flap against the vacuum plate at least during insertion of an insert into the conveyed open envelope. However, Haas, discloses similar envelope packing system comprising a vacuum plate provided in the packing station with plurality of vacuum ports; wherein the vacuum plate is removably attached to the packing station and positioned within a central region of the packing station and configured to bias an envelope and an envelope flap against the vacuum plate at least during

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insertion of an insert into the conveyed open envelope (Figs. 1 and 7; via vacuum means 650A-650D).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Yates's insertion station by using a vacuum plate provided in the packing station with plurality of vacuum ports; wherein the vacuum plate is removably attached to the packing station and positioned within a central region of the packing station and configured to bias an envelope and an envelope flap against the vacuum plate at least during insertion of an insert into the conveyed open envelope, as suggested by Haas, in order to control the conveying of the envelope.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 9:00 AM to 7:30 PM.

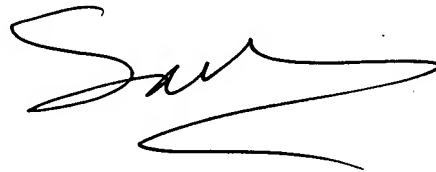
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sameh H. Tawfik  
Primary Examiner  
Art Unit 3721



ST.